

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
GREENVILLE DIVISION

|  |   |                                 |
|--|---|---------------------------------|
| Michael Preston Pettigrew,                                 | ) | Civil Action No.: 6:16-2369-BHH |
|  | ) |                                 |
| Plaintiff,   | ) |                                 |
|  | ) |                                 |
| v.   | ) | <b><u>ORDER</u></b>             |
|  | ) |                                 |
| Carolyn W. Colvin, Acting Commission of<br>Social Security | ) |                                 |
|  | ) |                                 |
| Defendant.   | ) |                                 |
|  | ) |                                 |

This matter is before the Court for review of the Report and Recommendation of United States Magistrate Judge Kevin F. McDonald, made in accordance with 28 U.S.C. 636(b)(1)(B) and Local Civil Rules 73.02(B)(2)(a) and 83.VII.02 for the District of South Carolina. Plaintiff Michael Preston Pettigrew (“Plaintiff”) brought this action seeking judicial review of the final decision of the Commissioner of Social Security (“Commissioner”) denying Plaintiff’s claim for disability insurance benefits.

Defendant, Carolyn W. Colvin, Acting Commissioner of Social Security filed a motion to transfer venue (ECF No. 17) as Plaintiff currently resides in Hartwell, Georgia. Plaintiff did not file an opposition.

On January 24, 2017, the Magistrate Judge issued a Report and Recommendation in which he recommended that the Commissioner’s motion to transfer venue (ECF No. 17) be granted, and this matter be transferred to the United States District Court for the Middle District of Georgia. Neither party filed objections.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a *de novo* determination of those portions of the Report to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part,

the recommendation of the Magistrate Judge, or recommit the matter to him with instructions. 28 U.S.C. § 636(b)(1). In the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir.2005).

The Court has carefully reviewed the record and concurs in the recommendation of the Magistrate Judge. The Court adopts the Report and Recommendation and incorporates it herein by reference. The Defendant’s motion to transfer venue (ECF No. 17) is hereby GRANTED. This case is transferred to the United States District Court for the Middle District of Georgia.

**IT IS SO ORDERED.**

/s/ Bruce Howe Hendricks  
United States District Judge

February 16, 2017  
Greenville, South Carolina